



## BOARD OF APPEAL

F. LESTER FRASER  
WILLIAM O. HEWETT  
FRANKLIN P. PARKER  
FRANCIS L. SWIFT  
HENRY H. THAYER

William E. Polletta

KATHARINE E. TOY  
Administrative Secretary  
Telephone  
235-1664

Petition of Michael P. Brown

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on November 23, 1976, on the petition of Michael P. Brown, requesting a special exception or variance from the terms of Section XIX of the Zoning By-law which will permit him to construction an addition on the side of his dwelling at 65 Audubon Road with a side yard less than the required twenty feet. Said request was made under the provisions of Section XIX of the Zoning By-law.

On October 30, 1976, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Michael P. Brown spoke in support of the request at the hearing.

Hugo E. Carlson, 73 Audubon Road, opposed the granting of the request. He stated that the proposed addition does not have a pleasing effect, and, in his opinion, if built, will be detrimental to the area. He further stated that, in his opinion, Mr. Brown should purchase a larger house if his present house does not meet his needs.

Statement of Facts

The house involved, which was built in 1941, is located on a lot containing 14,000 square feet, within a single-residence district requiring a minimum lot area of 20,000 square feet.

On September 4, 1975, this Board granted the petitioner permission to construct an addition approximately 17' x 24' on the southerly side of his dwelling which was to provide a family room. The proposed addition was designed to extend along the side of the house and approximately four feet beyond the rear line of the house, and 15.02' from the side lot line.

The petitioner stated that after studying the plan more in detail, he decided to construct the room only 17' x 20', and to build a sundeck 12' x 17' behind the new room. He was not aware as to the exact limitations of the 1975 decision and only learned of its limitations when his contractor applied for the permit. The room is now under construction, he stated, and he has just discovered that the 1975 permit will not allow the construction of a sundeck 12' along the reduced side yard. The previous permit, however, would allow the sundeck to be four feet beyond the line of the house. If the sundeck is moved in five feet from the lot line, it would then join the new room in the middle of the glass doors which have been designed to open from the rear of the room directly onto the deck. If the deck is reduced 8' in width, it will result in a very impractical shape and obviously diminish its utility.

The petitioner, therefore, feels that there is a real need for the additional eight feet requested so that the deck and the addition will be

able to fulfill the function of the project, otherwise, in his opinion, substantial hardship will result.

A plot plan was submitted, drawn by Alexander Crucioli, R. L. S., dated September 25, 1976, which showed the existing dwelling on the lot as well as the proposed addition and sundeck.

Decision

The Board has made a careful study of the evidence submitted and has taken a view of the locus.

It appears to this Board that a sundeck can be designed of adequate size, with access to the room under construction, which will comply with the Zoning By-law. It is the opinion of the Board, therefore, a real need does not exist for the proposed sundeck as requested.

The Board further finds that compliance with the requirements of Section XIX of the Zoning By-law is not impracticable because of the width, depth and shape of the lot. The lot contains 14,000 square feet; has a 104' frontage and approximately 125' depth. Therefore, the facts in this case do not satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to vary the requirements of the side yard restrictions.

Accordingly, the requested exception is denied and the case dismissed.

Filed with Town Clerk \_\_\_\_\_

Francis L. Swift  
Francis L. Swift

F. Lester Fraser  
F. Lester Fraser

William E. Polletta  
William E. Polletta

MAILED  
MAY 5 10 55 AM '77

PLAN OF LAND  
IN

# WELLESLEY — MASS.

Scale: 1" = 40' September 25, 1976.

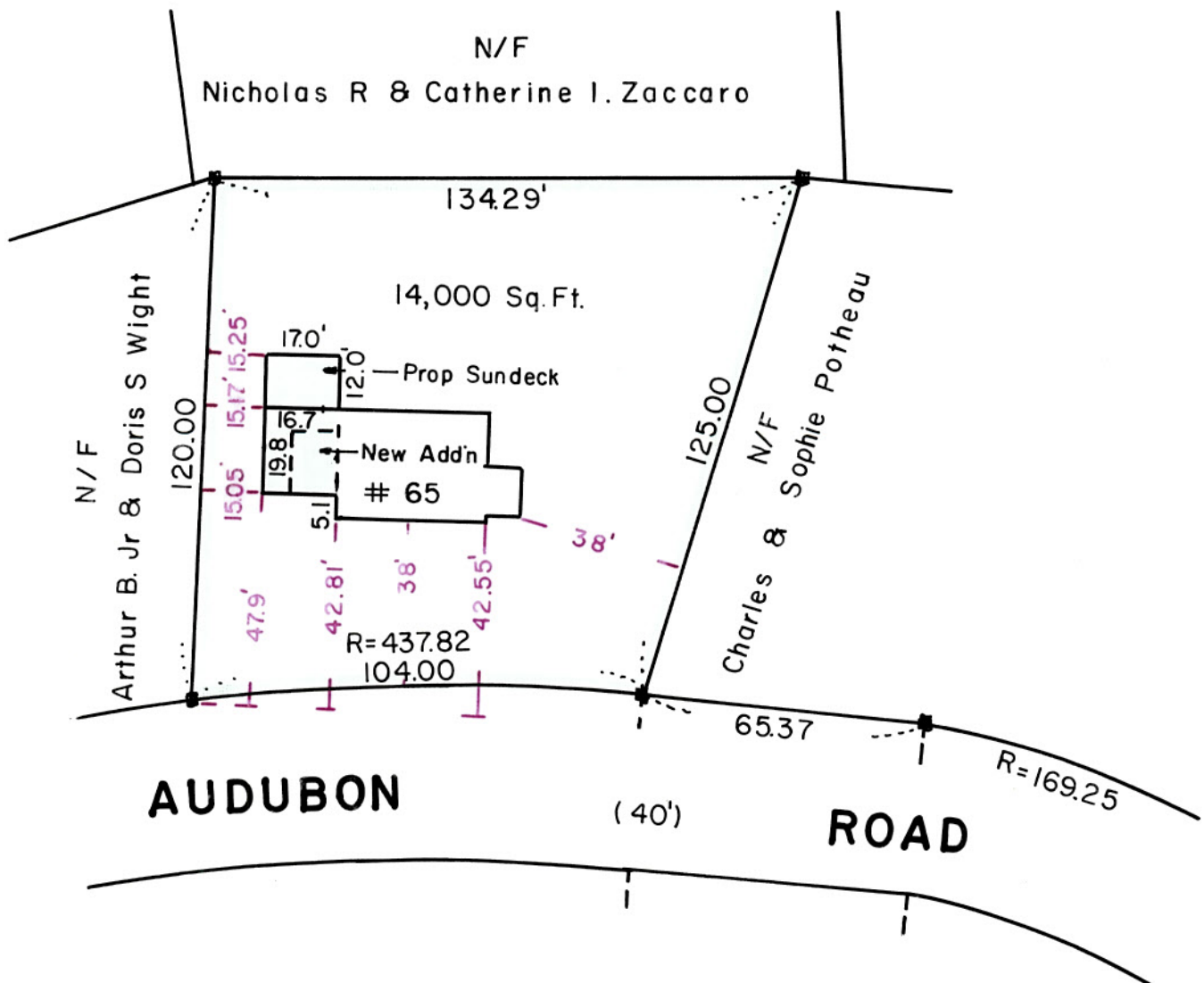
SURVEYOR Alex. Crucioli

ACRES-ENGINEERS, SURVEYORS, INC.

6 ABBOTT ROAD  
WELLESLEY HILLS, MASS.



*Alexander Crucioli.*



We hereby certify that the building shown on this plan is located on the ground as shown thereon and that it conforms to the Zoning and Building Laws of the Town of Wellesley when constructed and to restrictions of record.

*Alexander Crucioli.* R.L.S.